here whilst slavery continued to exist in either of those two ceding States. I say, moreover, what the grant of power itself indicates, that, although exclusive legislation in all cases whatsoever over the District was invested in Congress within whatsoever over the District was invested in Congress within the ten miles square, it was to make it the seat of government of the United States. That was the great, prominent, substantial object of the grant, and that, in exercising all the powers with which we are invested, complete and full as they may be, yet the great purpose—that of the cession having been made in order to create a suitable seat of government—ought to be the leading and controlling idea with Congress in the exercise of this power. And it is not necessary, in order to render it a proper and suitable seat of government for the United States, that slavery should be abolished within the limits of the ten miles square. And insample has at that ime of the United States, that slavery should be abolished within the limits of the ten miles square. And insample has at that ime of the United States, that slavery should be abolished within the limits of the ten miles square. And insample has at that ime of the United States, that slavery should be abolished within the limits of the ten miles against it was to make it the seat of government. It think it should be regarded as a common object, acceptable to both, and conformable to the wishes and feelings of both; and vet, sir, in these times of fearful and alarming excited am awoke up in the morning, it is with the apprehension of some new and fearful and dreadful tidings upon this agitating am awoke up in the excited as a common object, acceptable to both, and conformable to the wishes and feelings of both; and vet, sir, in these times of fearful and alarming excited and vet, sir, in these times of fearful an limits of the ten miles square. And inasmuch as at the time of the cession—when, in a spirit of generosity, immediately after the formation of this constitution—when all was peace, and harmony, and concord—when brotherly affection and fraternal feeling prevailed throughout this whole Union—when Maryland and Virginia, in a moment of generous impulse, and with Virginia, in a moment of generous impulse, and with ngs of high regard towards the members of this Union, chose to make this grant, neither party could have suspected that, at some distant future period, upon the agitation of this unfortunate subject, their generous grant without equivalent was to be turned against them, and that the sword was to be uplified, as it were, in their bosoms, to strike at their own hearts: thus this implied faith, this hon-orable obligation, this necessity and propriety of keeping in constant view the great object of cession. These were considerations which in 1838 governed me, as they now influence me, in submitting the reasons which I have submitted to your consideration. Now, as then, I do not think Congress ought ever, as an honorable body, acting bona fide in good faith, and according to the nature and purposes and objects of the cession at the time it was made—and, looking at the condition of the ceding States at that time, Congress cannot, without the forfeiture of all those obligations of honor which men of honor and nations of honor respect as much as if found literally in so many words in the bond itself—Congress cannot interfere with the institution of slavery in this District without the violation of all these obligations, not in my opinion less sacred and less binding than if inserted in the constitutional

instrument itself.

Well, sir, what does the resolution propose? The resolu-Well, sir, what does the resolution propose? The resolution neither affirms not disaffirms the constitutionality of the exercise of the power of abulition in this District. It is silent upon the subject. It says it is inexpedient to do it but upon certain conditions. And what are these considerations? Why, first, that the State of Maryland shall give its consent; in other words, that the State of Maryland shall release the United States from the obligation of the implied faith which I contend is connected with the act of cession by Maryland to the United States. Well, sir, if Maryland, the only State now that ceded any portion of the territory which remains to us.

nature of all arbitrary power, because, if I were to give a definition of arbitrary power, I would say that it is that power which is exercised by an authority over a people who have no voice, no representation in the assembly whose edicts or laws go forth to act upon the unrepresented people to whom I have referred. Well, sir, that being their condition, and this question of the abolition of slavery affecting them in all the relations which we can imagine—of prosperity, society, comfort, peace, and happiness—I have required as another condition, upon which alone this power should be exercised, the consent of the people of the District. But, sir, I have not stopped there. This resolution requires still another and a third condition, and that is, that slavery shall not be abolished within the District of Columbia, although Maryland consents, althe District of Columbia, although Maryland consents, although the people of the District themselves consent, without the third condition of making compensation to the owners of the slaves within the District. Sir, it is immaterial to me upon what basis this obligation to compensate for the slaves who may be liberated by the authority of Congress is placed:

That no person held to service or labor in one State under the laws thereof, escap ng into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." upon what basis this obligation to compensate for the slaves who may be liberated by the authority of Congress is placed. There is a clause in the Constitution of the United States, in one of the amendments to the constitution, which declares

power and authority to prohibit the introduction of slaves within their respective finite if they choose to exercise it. Well, then, sir, I really do not think that this resolution, which proposes to abolish that trade, ought to be considered as a concession by either class of the States to the other class. I think it should be regarded as a common object, acceptable ment—in these times when every night that I go to sleep and am awoke up in the morning, it is with the apprehension of some new and fearful and dreadful tidings upon this agitating subject—I have seen in the act of a neighboring State, amongst the various contingencies which are enumerated, upon the happening of any one of which delegates are to be sent to the famous Convention which is to assemble at Nashville in June next, that amongst other substantive grounds for the appointment of delegates to that Convention—of delegates from the State to which I refer—one is, that if Congress abelian

> ble to portray a greater extent of extravagance to which men may be carried by the indulgence of their passions?
>
> Sir, the power exists: the duty, in my opinion, exists; and there has been no time—as I may say, in language coincident with that used by the honorable Senator from Alabama—there has been no time in my public life when I was not willing to concur in the abolition of the slave trade in this District. I was willing to have done it when Virginia's portion of the District was retroceded, that lying south of the Potomac. There is still less ground for objection to doing it now, when the District is limited to the portion this side of the Potomac, and when the motive or reason for concentrating slaves here in a depot, for the purpose of transportation to distant foreign mar-kets, is lessened with the diminution of the District, by the

> retrocession of that portion to Virginia.
>
> Why should slave-traders, who buy their slaves in Maryland or Virginia, come here with their slaves in order to transport them to New O leans or other Southern markets?
>
> Why not transport them. Why not transport them from the Sta'es in which they are purchased? Why are the feelings of citizens here outraged by the scenes exhibited, and the corteges which pass along our avenues of manacled human beings, not collected in our own District, not collected at all in our own neighborhood, but brought from distant parts of neighboring States? Why should they be outraged? And who is there, that has a heart, that does not contemplate a spectacle of that kind with borner and in

Well, sir, what does the resolution propose? The resolution neither stiffrms nor disaffirms the constitutionality of the exercise of the power of abolition in this District. It is silent upon the subject. It says it is inexpedient to do it but upon certain conditions. And what are these considerations? Why, first, that the State of Maryland shall give its consent; in other words, that the State of Maryland shall give its consent; in other words, that the State of Maryland shall release the United States from the obligation of the implied faith which I contend is connected with the act of cession by Maryland to the United States. Well, sir, if Maryland, the only State show that ceded any portion of the territory which remains to us, gives to us her full consent; in other words, if she releases Congress from all obligations growing out of the cession with regard to slavery, I consider it is removing one of the obstacles to the exercise of the power, if it were deemed expedient to exercise of the power, if it were deemed expedient to exercise the power. But it is removing only one of them.

There are two other conditions which are inserted in this resolution. The first is the consent of the people of the District. Mr. President, the condition of the people of the District is anomalous. It is a condition in violation of the great principles which his at the bottom of our own free institutions, he cause it is the case of a people who are acted upon by legislative authority, and taxack by legislative authority, without having any voice or representation in the taxing or legislative body. The Government of the United States, in respect to the people of this District, is a tyranny, an absolute Government—not exercised hitherto, I admit, and I hope it never will be exercised, tyrannically or arbitrarily; but it is in the nature of all arbitrary power, because, if I were to give a defanition of the resolution is a proposed, the proposed of this District, is a tyranny, an absolute Government—not exercised hitherto, I admi

It will be observed, Mr. President, that this clause

high daty which addresses itself to all the States and all the people of all the States.

Mr. President, I do think that that whole class of legislation, beginning in the Northern States and extending to some of the Western States, by which obstructions and impediments have been thrown in the way of the recovery of fugitive slaves, is unconstitutional, and has originated in a spirit which I trust will correct itself when those States come calmly to consider the nature and extent of their federal obligations. Of all the States in this Union, unless it be Virginia, the State of which I am a resident suffers most by the escape of State of which I am a resident suffers most by the escape of their slaves to adjoining States. I have very little doubt, in-deed, that the extent of loss to the State of Kentucky, in consequence of the escape of her slaves, is greater, at least in proportion to the total number of slaves which are held within that commonwealth, even than in Virginia. I know full well, and so does the honorable Senator from Ohio know, that it is at the utmost hazard, and insecurity to life itself, that a Kentuckian can cross the river and go into the interior that a Kentuckian can cross the river and go into the interior to take back his fugitive slave to the place from whence he fled. Recently an example occurred even in the city of Cincionati, in respect to one of our most respectable citizens. Not having visited Ohio at all, but Covington, on the opposite side of the river, a little slave of his escaped over to Cincinnati. He pursued it: he found it in the house in which it was concealed; he took it out, and it was rescued by the violation of force of a negree may from his preserving the relies. lence and force of a negro mob from his possession, the police of the city standing by, and either unwilling or unable to af-

ford the assistance which was requisite to enable him to recover his property.

Upon this subject I do think that we have just and serious cause of complaint against the free States. I think they fail in fu filling a great obligation, and the failure is precisely upon one of those subjects which in its nature is the most irritating and inflaming to those who live in the slave States.

Now, sir, I think it is a mark of no good neighborhood, of the linds against the terms of the states.

no kindness, of no courtesy, that a man living in a slave State cannot now, with any sort of safety, travel in the free States with his servants, although he has no purpose whatever of stopping there longer than a short time. And on this whole subject, sir, how has the legislation of the free States altered for the worse within the course of the last twenty or thirty for the worse within the course of the last twenty or thirty years? Why, sir, most of those States, until within a period of the last twenty or thirty years, had laws for the benefit riod of the last twenty or thirly years, had laws for the benefit of sojourners, as they were called, passing through or abiding for the moment in the free States with their servants. Sir, I recollect a case that occurred during the war. My friend, Mr. Cheeves, of South Carolina, instead of going home in the vacation, went to Philadelphia, taking his family servants with him. Some of the abolitionists of that city took out a with him. Some of the aboutionists of that city took out habeas corpus, seized the slaves, and the question was brought before the Supreme Court of the State of Pennsylvania, where it was argued for days. It was necessary, during the before the Sopreme Court of the State of Pennsylvania, where it was argued for days. It was necessary, during the progress of the arguments, to refer to a great variety of statutes passed from time to time by the Legislature of Pennsylvania on behalf of the sojourner, guarantying and securing to him the possession of his property during his temporary passage or abode within the limits of that commonwealth. Finally the court gave their opinion seriation—each judge his separate opinion, until it came to Judge Breckenridge to deliver his, who was the youngest judge, I think, on the bench. During the progress of the delivery of their opinions they had frequently occasion to refer to the acts passed for the benefit of sojourners; and each of the judges who preceded Mr. Breckenridge always pronounced the word "sudgeners." When it came to Judge Breckenridge to deliver his opinion, he said, "I agree in all that my learned brethren have pronounced upon this occasion, except in their pronunciation of the word "sojourner." They pronounced it "sudgener; but I call it 's journer." [Laughter.] Well now, sir, all these laws in behalf of these sojourners through the free States are swept away, except I believe in the State of Rhede Island.

Mr. DAYTON. And New Jersey. I am happy to hear it; but in most of the large States, in most, if not all of the New England States, these laws have been abolished, showing the pregressive tendency of bad neighborhood and unkind action on the part of the free States towards the slave-holding States.

Mr. President. I do not mean to contest the ground—

permit me to interrupt him for a moment? I want to

say one word in behalf of the State of Massachusetts, with his permission.

Mr. CLAY. Certainly, certainly.

Mr. DAVIS. I have never, although most likely he may have heard the apology stated by the honorable Senator for passing the law to which he has referred; Eut, on the contrary, I have always understood that the law which Massachusetts had for restoring fugitive slaves was repealed because the courts below, as they understood it, had pronounced their law unconstitutional. That is the ground which they took; whether they were wise in the legislation they adopted I shall not undertake to say. But I wish to say one word in regard to the mission, as it is termed by the honorable Senator from to the mission, as it is termed by the honorable Senator from Kentucky, to South Carolina.

If I call the facts to my recollection correctly they are these.

We are the owners of much shipping ; we employ many sailors, and among them we employ free colored men, men whom we in Massachusetts acknowledge to be citizens of the United States and citizens of the commonwealth, and entitled to the rights of citizens. These citizens were taken from our vessels when they arrived in South Carolina, and were held in cusbeing the vessels sailed sgain. This our citizens com-plained of, whether justly or unjustly, that it was an en-croachment, in the first place, upon the rights of citizens, and, in the next place, that it was a great inconvenience to men engaged in commerce. If I remember rightly, and I think do, the State of Massachusetts authorized its Governor to propose, at the expense of the State, to some suitable and proper person, who was a citizen of South Carolina, to test the right to hold her citizens in custody in this way, in the courts of the State, or in the courts of the United States. If remember rightly, that was declined by one or more citizens of South Carolina. Then the mission, to which the honor-able Senator refers, was instituted, and the termination of it selieve he has correctly stated.

I wish it to appear that Massachusetts had no aggressive purpose whatever, but simply wished that the judiciary should decide the question existing between them. She wanted nothing more, asked nothing more.

Mr. CLAY. Mr. President, I hear with much pleasure

this explanation. I have been informed, however, by an eminent citizen of Massachusetts, whose name it is unnecessary to mention—he is not a member of this body—that the motives for the repeal of these laws, or for the passage of these laws, or at least one of the motives, was the treatment of Mr. Hear in Charleston. However, I am glad to hear that it proceeded from another cause, and that is what I console out a ceive to be a misconception of what the true opinion of the is brought judges of the Supreme Court was. When the true exposition of that opinion comes to be known in Massachusetts, I trust that the Legislature of that State will restore the laws facilitating the recovery of fugitive slaves, and which she re-

pealed in consequence of that misconception.

Mr. President, I have a great deal yet to say, and I shall, therefore, pass from the consideration of this seventh resolution with the observation, which I believe I have partly made before, that the most stringent provision upon this subject which can be devised will meet with my hearty concurrence and co-operation in the passage of the bill which is under the consideration of the Senate. The last resolution declares— "That Congress has no power to prohibit or obstruct the trade in slaves between the slaveholding States; but that the admission or exclusion of slaves brought from one into another of them depends exclusively upon their own particular laws."

three Southern votes were all cast against the compromise

which was prepared by the committee, or rather by myself, as chairman of the committee of thirteen, and defeated it.

Well, sir, in that condition the thing remained for several days. The greatest anxiety pervaded the country—the public mind was unsettled—men were unhappy—there was a large majority of the House then, as I hope and trust there is now a large majority in Congress, in favor of an equitable accommo-dation or settlement of the question; and the resolutian would have been adopted, I believe, but when it came to the vote by yeas and nays, unfortunately then—more unfortunately then, I hope, than now, if there should be occasion for it now—there were few Curtiuses and Leonidases willing to risk committee be appointed by ballot. Well, sir, my motion was carried by a large majority; and members came to me from all quarters of the House, and said, "whom, Mr. Clar, do you want to have with you on the committee" I made out my list of twenty-three members, and I venture to say that that happened on that occasion which will hardly ever happen again, eighteen of the twenty-three were elected on the first ballot—and the remaining five on my list having the largest number of votes, but not the majority, I moved to dispense with any further balloting, and that these five should be added to the eighteen, thus completing the committee of twenty-three. One or two gentlemen, Mr. Livermore, of New Hampshire, and one or two others, declined to serve on the committee; and, very much to my regret, and somewhat to my annoyance, the lamented Mr. Randolph and another person were placed in their situation—I forget whether done by ballot or by the Speaker; it is enough to say they were put on the committee.

Well, sir, the Senate immediately agreed to the proposition. Well, sir, the Senate immediately agreed to the proposi-

progress of the callesty of their opinions they had frequently excellent to easily a superior of the committee, and the proposition for easily to the easily as a progress of the committee, and we may be a superior or prohibit to obstract the easily as a proposed of the proposition of the two and the easily promounced the word "angiourner; and each of the judges who preceded M. Breck-earlige above promounced the word "angiourner; and each of the judges who preceded M. Breck-earlige above promounced the word "angiourner; and each of the judges who preceded M. Breck-earlige above promounced the word "angiourner; and each of the judges who preceded M. Breck-earlige above promounced the word "angiourner; and each of the judges who preceded M. Breck-earlige above promounced the word "angiourner; and each of the judges who preceded M. Breck-earlige above promounced the word "angiourner," and each of the judges who preceded M. Breck-earlige above promounced the word "angiourner," and each of the judges who preceded M. Breck-earlige above promounced the word "angiourner," and each of the judges who preceded M. Breck-earlige above promounced the word "angiourner," and each of the judges who preceded M. Breck-earlige above promounced the word "angiourner," and each of the judges who preceded M. Breck-earlige above promounced the word "angiourner," the promounced of the surface of the promounced of the pr

to it. The flame which had been repressed during the previous session now burst forth with double violence throughout to the whole Union. Legislative bodies all got in motion to keep out Missouri, in consequence of her interdiction of free people of color from within her limits. I did not arrive at Congress that session till January, and when I got here I found both bodies completely paralyzed in consequence of the struggle to vactuate Missouri from the Union in consequence of the struggle to vactuate Missouri from the Union in consequence of the struggle to vactuate Missouri from the Union in consequence of the struggle to vactuate Missouri from the Union in consequence of the struggle to vactuate Missouri from the Union in consequence of the struggle to vactuate Missouri from the Union in consequence of the struggle to vactuate Missouri from the Union in consequence of the struggle to vactuate Missouri from the Union of states of the tunion.

Well, sir, I made the first effort in the House to settle it. I asked for a committee of thirteen, was granted to me, representing all the old States of the Union. The committee met. I presented to them a resolution, which was adopted by the committee and reported to the House—not unlike the one to which I will presently call the house but for the votes of Mr. Randolph, of Virginia, Mr. Edwards, of North Carolina, and Mr. Burton, of North Carolina—two of the three, I believe, no longer living. These three states of the least cause of objection.

Now, sir, what was done by the Missouri line? Slavery south of that line. The question of the admission or exclusion of slavery south of that line. In point of fact, it constitutes that time and Louisiana. It was not necessary then, it is true, to insert a clause admissing slavery at that time. But, if there is a power to interdict, there is a power to same, and I put it to gentlemen from the South, are the point of the line? The honorable Senator from Mississippi told us the other day that he was not prevent of the satisfied wit

Mr. FOOTE. Recognition. Mr. FOOTE. Recognition.

Mr. CLAY. That nothing short of a positive recognition of slavery south of the line of 36° 30′ would satisfy him. Well, is there any body who believes that you could get twenty votes in this body, or a proportional number in the other House, to a declaration in favor of the recognition of slavery south of the line of 36° 3′ lt is impossible. All that you can get, all that you can expect to get, all that was proposed at the last ression, was action on the north of the line, and non-action as regards slavery south of that line. It is interdicted on one side, without any corresponding provision for its admission on the other side of the line of 36° 30′.

Now, sir, when I came to consider the subject, and to compare the provisions of the line of 36° 30′—the Missouri compare the provisions of the line of 36° 30′—the Missouri compare the provisions of the line of 36° 30′—the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the Missouri compare the provisions of the line of 10° 30° —the

now—there were few Curtiuses and Leonidases willing to risk themselves for the safety and security of their country. I endeavored to avail myself of that good feeling, as far as I could; and, after a few days had elapsed, I brought forward another proposition; a new one, perfectly unpractised in this country, either before or since, as far as I know. I proposed a joint committee of the two Houses, that of the House to consist of twenty-three members, (the number of the Senate committee I do not recollect,) and that this committee should be appointed by ballot; for at that time Mr. Taylor, of New York, was in the chair, and Mr. Taylor was the very man who had first proposed the restriction upon Missouri. He profirst proposed the restriction upon Missouri. He proposed that she should only be admitted on the principle of the ordinance of 1787; I proposed, therefore, that the committee be appointed by ballot. Well, sir, my motion was by the South, if the Missouri line is extended to the Pacific,

that I never can, and never will vote for it; and no earthly